

REMARKS

Response to Double Patenting

Claims 28, 32, 33, 42, 45-48, 51-53, 58 and 62 were rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8-14, 18, 19, 22 and 23 of U.S. Pat. No. 6,758,848 B2. In response, applicants have filed a Terminal Disclaimer (By Attorney) concurrently herewith.

Response to Claim Objections

Claim 28 is objected to by the Examiner because of the following informalities: in line 14, "an inner transverse dimension" appears it should read as "the inner transverse dimension". Applicants have amended claim 28 to correct the stated and other informalities.

Response to Specification

The abstract of the disclosure is objected to by the Examiner because the Abstract exceeds 150 words. Applicants have amended the Abstract to reduce the number of words below 150 words.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 58, 59, 61 and 62 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Burbank et al. (U.S. Pat. No. 5,928,164) in view of Tihon et al. (U.S. Pat. No. 5,415,656). In this rejection the Examiner contends that the chord length is the length of the electrode when straightened out. Applicants believe that the Examiner has misinterpreted the expression "chord length". Chord length is the length of a straight line between two points on a curved line or surface, not the length of

the curved line or surface when straightened out. See the attached copy of Machinist's Friend which defines a "chord length".

The chord length of the cutting electrode of Tihon (as shown in Fig. 6 thereof) is the same size or smaller not greater than the transverse dimension of the distal end of the stylet. The combination of Burbank with Tihon fails to teach all the claimed features, so the combination does not support the Examiner's rejection.

Claim 60 was rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Burbank et al. ('164) and Tihon et al. ('656) as applied to claim 58 above, and further in view of Klicek (U.S. Pat. No. 5,221,281). However, the combination of references has the same deficiencies as the Burbank and Tihon combination as discussed above.

Response to Allowable Subject Matter

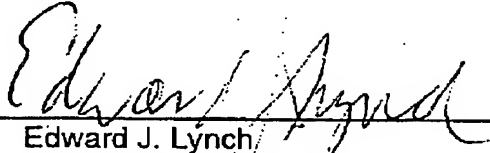
Applicants note with appreciation the allowance of claims 63 and 64 and the Examiner's indication that claims 29, 30, 35-38, 40, 41, 43, 44, 49, 50, 54-56 were directed to patentable subject matter. However, in view of the above amendments to the claims from which the claims 29, 30, 35-38, 40, 41, 43, 44, 49, 50, 54-56 depend, and the Terminal Disclaimer filed concurrently herewith, applicants believe that converting these claims to independent claims appears unnecessary.

Conclusion

The applicants believe that the pending claims are directed to patentable subject

matter. Reconsideration and an early allowance of the claims are earnestly solicited.

Respectfully submitted,

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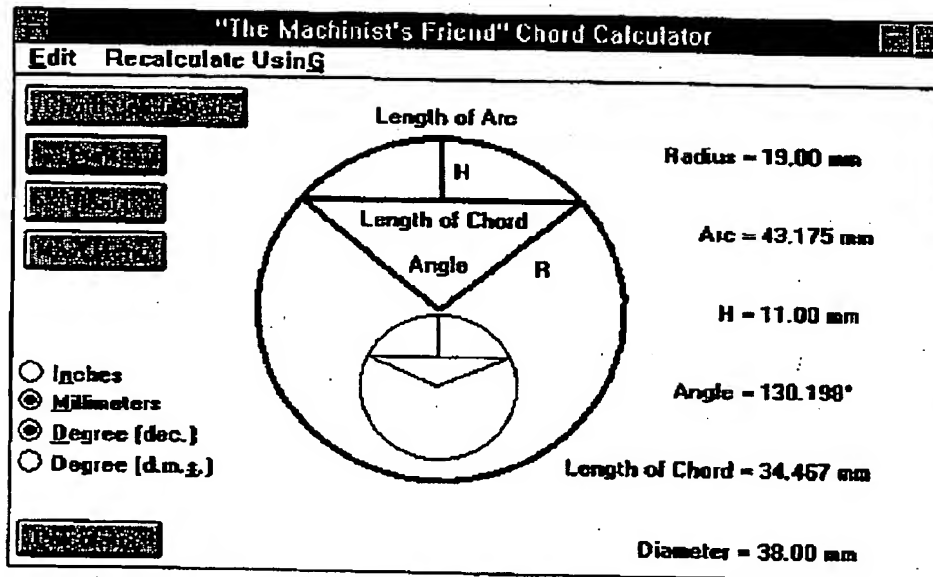
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To solve a Chord Length enter two pieces of information. Use the tab, enter or short cut keys, or click with the mouse to enter the information in the desired Text Boxes. If the Radius is entered the Diameter will be calculated and vice versa. Enter one more piece of information. Enter either the Arc, H, Angle or Chord. When the two pieces of information are entered the Chord Length will be calculated by using the tab, enter or, short cut keys, or click the Calculate Chord Button. When the Chord Length is calculated another Chord Length will be drawn on the inside of the large working circle.



A screen shot of the Chord Calculator module.

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